REVENUE SECRETARIAT

CIRCULAR

Land Reforms : Vesting in Government of the lands leased by landlords to tenants— Identifying of—

No. RD 138 LRM 74, BANGALORE, DATED 24TH AUGUST 1974.

The Karnataka Land Reforms Act, 1961 as it stood prior to its amendment by Karnataka Act No. 1 of 1974 with effect from 1st March 1974 gave a last opportunity to the landlords owning specified extents of land who had leased out their lands to tenants, to recover about 50% of such land for their personal cultivation or for bonafide non-agricultural use. This right of resumption was, however, subject to the conditions laid down in Section 16 of the principal Act. After the amendment of the Act with effect from 1st March 1974, this right of resumption given to the landlords has been withdrawn. Further, it has been provided that all applications statements and proceedings (including execution proceedings and proceedings in appeal) under the Principal Act relating to resumption of land pending before the Court immediately prior to 1st March 1974 except those permitted by Section 5 shall not have effect and shall abate. In short the landlords have lost the right of resumption of the land under lease with effect from 1st March 1974.

2. Under the Law as amended, it is provided that all lands held by or in possersion of tenants immediately prior to 1st March 1974 except those whose lease is permitted under Sub-section (2) of Section 5 shall stand transferred to and vest in the State Government free from all encumbrances (Section 44). It is further provided that all rents and all other amounts due in respect of such lands which becomes due on or after the date of vesting shall be payable to the State Government. All such lands are to be taken possession of by Government.

3. According to the agricultural Census of 1971 over 8 lakh hectares of land comprising 3.97 lakh holdings come under the category of lands rented by the cultivators wholly or partly. Identification of these holdings keeping in view the figures of agricultural Census is no doubt a stupendous job requiring deep scrutiny of the land records at village level. This job, however, has to be done, and done expeditiously. Clear cases of tenancy are to be sorted out first and listed out village-war and the tenants advised to apply to the Tribunal before the expiry of the extended time. In other cases where the tenancy is in dispute, the tenant should be advised to approach the Tribunal constituted under Section 48 of the Act within the extended time with an application in Form 7 prescribed under the Rules. A list of such disputed cases may also be prepared and the disposal of the disputes by the Tribunal watched.

4. The Tribunal which is empowered under Section 48-A to enquire into the applications of persons entitled to be registered as occupants received by it within the time limit specified therein, will take some time to complete the enquiries and fars orders and till then the person in possession of the land will continue to be in possession. Under Section 44 (2) (b), the tenant has to pay to Government all rents and all other amounts in respect of the lands vested in Government under Section 44, which become due on or after 1st March 1974. Under Section 10-A, the tenant shall, with effect from 1st March 1974, be responsible for the payment of land revenue, water rate and all cesses or fees levied thereon to the State Government or a local authority in respect of land held by him on lease.

5. There may not be any difficulty in following the above noted provision in Section 44 (2) (b) and Section 10-A in undisputed cases of tenancies. In respect of other cases where the tenancies are in dispute, the question, whether the land revenue and other dues as from 1st March 1974, should be collected from anyone

till the Tribunal determines the tenants' rights has been examined by Government. It is not permissible to demand Land Revenue in respect of such lands either from the landlord or the tenant. The landlord will plead that the land has vested in Government while the tenant will plead that he has not yet been given occupancy rights. But it is possible that in certain cases, the landlord or tenant or both may voluntarily pay the Land Revenue and other Government tax on disputed lands. In such event it is directed that the amount offered may be collected. In cases where both pay, eventually, the amount paid by the person whose claim is disallowed by the Tribunal, can be refunded.

6. The arrears due upto 1st March 1974 should however be recovered from the landlord.

7. Under Sec. 45, every person who was a permanent tenant, protected tenant or other tenant or where a tenant has lawfully sublet such sub-tenant is entitled to be registered as an occupant with effect from the date of vesting of the lands of which he was a tenant, and which he has been cultivating personally. Such tenant gets the occupancy rights only on passing of an order by the Tribunal under Sec. 48A (5) and thereafter he pays to Government the amount of permium in respect of the land as fixed under Sec. 48A (7) either in a lumpsum or in equated instalments over a period not exceeding twenty years with interest at 4½ percent. a. *vide* Sec. 53. Until the Tribunal issues an order, vide Sec. 48A (5), the person actually cultivating the land may be advised strongly that so long as he claims to be a tenant, it will go against his best interests if he does not desposit with Government the rent due in respect of such land from 1st March 1974 in accordance with Sec. 8 of the Act. These deposits will later on be set off against the premium due and payable to Government by the tenant who gets the occupancy rights and that would help in relieving the burden of paying the accumulated arrears of premium at that time.

8. The Revenue Officers have to get ready with uptodate villagewar lists of lands under lease, specifying the land revenue, rent as prescribed in Sec. 8 and other dues recoverable in respect of such lands from 1st March 1974 and take steps for their recovery at the appropriate times.

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CIRCULAR

Alienation of Agricultural lands prohibited under Karnataka Land Reforms Act, 1961.

No. RD 181 LRM 74, BANGALORE DATED 22ND AUGUST 1974

All lands held by or in possession of tenants as on 1st March 1974 other than those held by them under leases permitted under Section 5 of the Karnataka Land Reforms Act 1961 have stood transferred to and vested in Government from 1st March 1974. All rights, title and interest vesting in the owners of such lands and other persons interested in such lands have ceased ; and these are vested absolutely in the State Government free from all encumbrances (Section 44). These lands will ultimately be given to the tenants under the procedure laid down for the registration of tenants as occupants. There is an interval between devestment of the ex-landlord and the registration of the ex-tenant. It is clear that during this interval neither the ex-land lord nor the ex-tenant (or sub-tenant, in actual occupation of the land, has any right of transfer of such land.

There are various ways in which lands become vested in Government under the Land Reforms Law. For instance lands in excess of the ceiling come to Government after the fulfilment of the due procedure. Disposal of all such lands is provided for under Section 77.